

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:12-CR-120-D  
No. 5:13-CV-117-D  
No. 5:16-CV-237-D

CRAIG MAURICE HARRIS, )  
 )  
 Petitioner, )  
 )  
 v. )  
 )  
 UNITED STATES OF AMERICA, )  
 )  
 Respondent. )  
 )

**ORDER**

On March 25, 2014, the court dismissed Craig Maurice Harris's ("Harris") first section 2255 motion. See [D.E. 40]. On May 6, 2016, Harris moved to vacate, set aside, or correct his 168-month sentence pursuant to 28 U.S.C. § 2255. See [D.E. 53]. On January 19, 2017, the government moved to dismiss Harris's second section 2255 motion for lack of subject-matter jurisdiction as successive. See [D.E. 60]. On February 14, 2017, Harris replied. See [D.E. 62].

The court GRANTS the government's motion to dismiss [D.E. 60], and DISMISSES Harris's motion under section 2255 for lack of subject-matter jurisdiction as successive. See, e.g., 28 U.S.C. § 2255(h); Burton v. Stewart, 549 U.S. 147, 152–53 (2007) (per curiam); In re Williams, 364 F.3d 235, 238 (4th Cir. 2004); United States v. Winestock, 340 F.3d 200, 205 (4th Cir. 2003). The court DENIES a certificate of appealability. See 28 U.S.C. § 2253(c); Miller-El v. Cockrell, 537 U.S. 322, 336–38 (2003); Slack v. McDaniel, 529 U.S. 473, 484 (2000). The court DENIES Harris's motion to appoint counsel. See [D.E. 62].

SO ORDERED. This 9 day of May 2017.

  
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JAMES C. DEVER III  
Chief United States District Judge